IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

STATE OF OKLAHOMA, et al. Plaintiffs, v. TYSON FOODS, INC., et al. Defendants.	))))))))))	Case No. 4:05-cv-00329-GKF-PJC

REPLY IN SUPPORT OF DEFENDANTS' MOTION TO EXCLUDE EXPERT TESTIMONY BASED ON BACTERIAL ANALYSES CONDUCTED IN VIOLATION OF EPA, USGS AND OKLAHOMA STANDARDS (Dkt. No. 2090)

Exhibit 2

Environmental Microbiology Laboratory, Inc.

Report for:

Mr. Roger Olsen
CDM (Camp Dresser & McKee, Inc.)
1331 17th Street
Suite 1200
Denver, CO 80202-1562

Regarding: Project: 1 Water
EML ID: 211813

Date of Analysis: 04-11-2006

Approved by:

Dr. Harriet Burge
Director of Aerobiology

Dr. David A. Bell
Laboratory President

This coversheet is included with your report in order to comply with AIHA and ISO accreditation requirements.

For clarity, we report the number of significant digits as calculated; but, due to the nature of this type of biological data, the number of significant digits that is used for interpretation should generally be one or two. All samples were received in acceptable condition unless noted in the Report Comments portion in the body of the report. Due to the nature of the analyses performed, field blank corrections of results is not a standard practice. The results relate only to the items tested.

Environmental Microbiology Laboratory, Inc.
1150 Bayhill Drive, Suite 100, San Bruno, CA 94066
(650) 829-5800 Fax (650) 829-5852 www.emlab.com

Client: CDM (Camp Dresser & McKee, Inc.)
C/O: Mr. Roger Olsen
Re: 1 Water

Date of Submittal: 03-31-2006
Date of Receipt: 04-03-2006
Date of Report: 04-13-2006

MPN REPORT

Location: EOF-Spread 30-01, Sterile 500ml

Lab ID-Version‡: 921666-1

Sample size: 500		Unit: 100 ml		Percent solid: N/A	
Bacteria	**Method**	**Setup Time**	**MPN*/Unit**	**LCL****	**UCL****
Fecal Coliform	SM 9221 E	04/03/06 12:25	24,000	8,000	72,000
Total Coliform	SM 9221 B	04/03/06 12:25	24,000	8,000	72,000
E. coli	SM 9221 F	04/03/06 12:25	24,000	8,000	72,000
Staphylococcus aureus	BAM 12	04/03/06 12:25	< 2	-	14
Enterococcus group	SM 9230 B	04/03/06 12:24	18,000	6,800	48,000
Salmonella species	BAM 5	04/03/06 12:25	46	11	190

Comments:

*MPN - Most Probable Number.
MPN methods:
SM - Standard Methods for the Examination of Waters and Wastewaters, 20th ed. 1998.
FDA BAM - U.S. Food and Drug Administration Bacteriological Analytical Manual, January 2001.
MPN values are calculated using the method of Thomas (1942).
The MPN method was developed to handle samples with a high load of particulate matter, such as turbid waters, soils, wastewaters and sludges. MPN values are statistically derived calculations of viable bacterial density based on the assumptions of random distribution of single, non-clustered, bacteria not attached to particulate matter within a sample. Due to the fact that bacteria can cluster and adhere to materials, values determined by the MPN method should be considered estimates in many instances.

**The Upper 95% Confidence Limit (UCL) and Lower 95% Confidence Limit (LCL) are calculated using the method of deMan (1983) and represent that "before the tubes are inoculated, the chance is at least 95 percent that the confidence interval associated with the eventual result will enclose the actual concentration" (FDA BAM).
Interpretation is left to the company and/or persons who conducted the field work.
‡ A "Version" greater than 1 indicates amended data.

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C/O: Mr. Roger Olson
Re: 1 Water

Date of Submittal: 03-31-2006
Date of Receipt: 04-03-2006
Date of Prep: 04-03-2006
Date of Analysis: 04-11-2006
Date of Report: 04-13-2006

Bacterial Identification Report

Location:	EOF-Spread 30-01: Sterile 500ml
Comments (see below)	None
Sample type	Water
	MPN* / unit
Campylobacter species	< 2
Sample size	100 ml
Unit	MPN* / 100ml

*MPN = Most probable number

Comments:

Campylobacter identification method: Modification of BAM chapter 7, March 2001.

Note
1. MPN method: Minimum detection limit for liquid samples is <2MPN/100ml.

Interpretation of results is left to the company/ or persons who conducted the fieldwork.